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DE RUCNDT #0331/01 0862312  
ZNR UUUUU ZZH (CCY AD486222 TOQ5206-632)  
O 272312Z MAR 09  
FM USMISSION USUN NEW YORK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6224  
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

UNCLAS USUN NEW YORK 000331

C O R R E C T E D C O P Y (PARAS RENUMBERED)  
SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: PREL PGOV KPKO SR KO  
SUBJECT: UNSC WELCOMES EULEX ROLL-OUT, DIVIDED ON UNMIK'S  
RESIDUAL ROLE

¶1. (SBU) SUMMARY. UNMIK SRSG Zannier told the Security Council on March 23 that the successful deployment of EULEX had allowed UNMIK to step up its reconfiguration. Serbian President Tadic and Kosovo FM Hyseni both spoke with approval

of the EULEX deployment but did so for polar opposite reasons. Tadic believes EULEX should "completely anchor its presence in Kosovo under the authority of the UN," and Resolution 1244. Hyseni saw EULEX as the culmination of UNMIK's reconfiguration that set the stage for its conclusion. Council members that have not recognized Kosovo (Russia, China, Libya, Mexico, Uganda, Vietnam) all called for a continued robust role for the reconfigured UNMIK as the ultimate authority in Kosovo. The Council's nine recognizing members -- led by the U.S., UK, and France -- urged UNMIK to continue to downsize as EULEX reached full operational capacity. Most participants expressed concern about the lack of rule of law in Kosovo's north. Triggered by Tadic's reference to the March 24 tenth anniversary of the NATO bombing of Yugoslavia, Tadic and Hyseni engaged in a polemic back-and-forth on recent Balkans history. END SUMMARY.

Zannier: UNMIK Downsizing Continues

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¶2. (SBU) UNMIK SRSG Lamberto Zannier briefed Security Council members on March 23 on the situation in Kosovo during the period November 1, 2008 through March 9, 2009. The highlight was clearly the deployment of the European Union Rule of Law Mission, EULEX, commencing on December 9, 2008. As of March 9, Zannier reported, the UNMIK police contingent consisted of 49 officers, down from 1,288 last December, and "there are no longer UNMIK judges or prosecutors exercising functions in Kosovo courts." Zannier said the situation in Kosovo remained generally peaceful, notwithstanding a recent spike in incidents involving use of firearms and explosives in and around north Mitrovica. Zannier said that "much remains to be done," particularly regarding return of IDPs, accounting of missing persons, provision of electric power, and the functioning of the justice system in Kosovo's north. He said the "centerpiece" of UNMIK's reconfigured role will be consultations with stakeholders on matters including cultural and religious heritage sites, as well as efforts to encourage dialogue between the parties. (COMMENT. Zannier conspicuously avoided mention of the six-point dialogue in his presentation. END COMMENT.)

Tadic Comes Out Swinging ...

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¶3. (SBU) Speaking in Serbian, Serbian President Boris Tadic began his intervention by noting the March 24 tenth anniversary of the start of the 1999 NATO bombing campaign against the former Yugoslavia and focusing on the damage to Serbia, listing the numbers of airstrikes, civilian casualties, damaged buildings, destroyed bridges, as well as the departure of more than 200,000 Serbs from Kosovo. He

said Serbs in Kosovo live today without security, freedom of movement, rule of law, electricity or water, calling them the, "most endangered community in all of Europe." Tadic alleged that scant protection for human rights and widespread criminal trafficking of humans, weapons and narcotics prove that Kosovo is not a functioning state, and he called upon EULEX and UNMIK to discharge their mandates in full as Kosovo authorities. He emphasized that EULEX should, "completely anchor its presence in Kosovo under the authority of the UN, in conformity with the full respect of Resolution 1244." He said Serbia supports new negotiations on Kosovo's future status and called on UN member states to respect the International Court of Justice's upcoming decision on Kosovo's declaration of independence. He called for continuation of the six-point dialogue on practical issues with UNMIK facilitation and argued against any reduction in UNMIK's budget.

With Assist From Russia

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¶4. (SBU) Russian Permrep Churkin echoed Tadic's emphasis on the 1999 NATO bombardment, alleging that Russia had put a stop to the NATO assault by guiding resolution 1244 through the Security Council. Churkin noted that it was also the fifth anniversary of the anti-Serbian "pogrom" in Kosovo which he alleged was intended to eradicate Serbia's cultural and religious heritage in Kosovo. He called Kosovo a quasi-state where lawlessness and crime flourish, unemployment is high and the economy is in shambles. He noted the decrease in the return of Kosovo-Serb refugees and alleged a lack of basic security for Serb minorities. Churkin called upon a resumption of dialogue on the six points between the UN and Serbia, and asked UNMIK to retain its administrative and political functions. He further

criticized EULEX for failing to note in its first report that it would be operating on a status-neutral basis.

Kosovo FM Hyseni Focuses on Kosovo's Success

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¶5. (SBU) Speaking in English, Kosovo Foreign Minister Skender Hyseni said, "We have very much welcomed the EULEX deployment and as EULEX achieves full operational capability, for very practical and pragmatic reasons, we request the conclusion of the mission and the mandate of UNMIK." Hyseni lauded Kosovo's ongoing institution building, including the establishment of a foreign service and diplomatic missions, national security council, intelligence service, as well as the multi-ethnic Kosovo Security Force to focus on emergency response and regional stability. He accused Serbia of fueling lawlessness and unrest in Kosovo's Serb-dominant north. Hyseni emphasized that Kosovo plans on working closely with the EU and other international parties and is ready to engage in state-to-state talks with Serbia to help normalize relations.

UK/U.S. Nudge UNMIK To Exit, Correct Historical Record

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¶6. (SBU) UK Deputy PermRep Pierce protested Serbian President Tadic's version of NATO's 1999 campaign, stating that NATO action was required to avoid an overwhelming humanitarian problem. She went on to list several positive developments in Kosovo, including establishment of a legal and administrative apparatus, transfer of more powers to local municipalities, EULEX's mentoring and monitoring role of the judiciary and customs, establishment of a Kosovo security force, as well as Kosovars full involvement in the protection of cultural sites. Pierce stated that, "Kosovo independence is a fact," and the UK wants Kosovo and Serbia to enter the European Union on equal footing.

¶7. (SBU) Ambassador DiCarlo also lauded Kosovo's efforts to expand its institutional framework and pass laws to put exemplary constitutional principals into practice. She expressed support for EULEX's role in Kosovo and underlined

that the US encourages efforts to reduce UNMIK's footprint. In response to Tadic's criticism of the NATO campaign in 1999, Ambassador DiCarlo pointed to the International Criminal Tribunal's recent 2,900 page decision that stated the Government of Yugoslavia clearly engaged in a systematic state policy of forcing ethnic Albanians out of Kosovo by the hundreds of thousands. Ambassador DiCarlo emphasized that Serbia cannot overcome this legacy by simply ignoring it. Seconded by the UK and Turkey, Dicarlo declared Kosovo's independence to be "irreversible."

Members Agree on Progress,  
Vary on UNMIK's Future Role

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¶8. (SBU) Other Council members recognized Kosovo's progress towards peace and stability, while expressing concern over a recent spike in ethnic tensions. European members of the Council expressed strong support for EULEX and commended the smooth transition of the rule-of-law, judicial, and customs functions from UNMIK. Turkey, Burkino Faso, Japan, and Costa Rica welcomed EULEX's deployment, with Burkino Faso emphasizing need for economic progress and freedom of movement, and Costa Rica citing the uptick in violence as a "painful trend" that Kosovo needs to address. Japan focused on its donation of USD \$200 million towards providing human security in Kosovo and noted that the Council must "consider carefully UNMIK's size in the future." Japan also suggested that the six-point dialogue might continue between the parties directly. Uganda praised the cooperation between EULEX and UNMIK, but expressed concern over new Kosovo laws that restrict UNMIK's authority. Mexico stated it believes it essential that the Security Council continue to support UNMIK while working to strengthen the mechanisms it uses to settle disputes between parties. China and Vietnam focused on a continuing robust role for UNMIK, with China calling for a technical reconfiguration that does not affect Kosovo's status or compromise UNMIK's neutrality. Vietnam stated that UNMIK should continue engagement and should work towards progress on the six points. Libya also expressed support for a continuing UNMIK role, particularly by encouraging dialogue with all parties.

Serbia Reiterates Complaints About Past,  
Kosovo Focuses on the Future

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¶9. (SBU) The session ended with more finger-pointing by

Tadic and focused rebuttals by Hyseni. Tadic claimed that 200,000 Kosovo Serbs had yet to return home; Hyseni disputed his figures. Tadic protested EULEX's restrictions on UNMIK's participation in meetings, as well as Kosovo's refusal to allow the Mayor of Belgrade to deliver humanitarian aid to ethnic Serb villages. Tadic called the new Kosovo Security Force a "paramilitary organization" that presents a challenge to stability. Hyseni responded by stating that mechanisms exist to address grievances of Serbs in Kosovo, but that Belgrade must release Kosovo Serbs to take part in Kosovo institutions and that Belgrade's leadership must, "talk with us on equal footing."

Wolff